

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE: AQUEOUS FILM-FORMING FOAMS
PRODUCTS LIABILITY LITIGATION

MDL No. 2:18-mn-2873-RMG

ART SCHAAP AND RENEE SCHAAP d/b/a
HIGHLAND DAIRY,

This Document Relates to:
No. 2:24-cv-07040-RMG

Plaintiffs,

-US-

UNITED STATES OF AMERICA, UNITED
STATES DEPARTMENT OF DEFENSE, and
UNITED STATES AIR FORCE,

Defendants.

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON
LIABILITY AND RECOVERY OF CERCLA RESPONSE COSTS
INCURRED TO DATE**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs Art Schaap and Renee Schaap d/b/a Highland Dairy respectfully submit this Motion for Partial Summary Judgment on Liability and Recovery of CERCLA Response Costs Incurred to Date. The basis of the motion is that there is no genuine issue of material fact as to Defendants' liability for response costs under CERCLA § 107(a), so that Plaintiffs are entitled under Count I of the Complaint to recovery of all response costs incurred to date, and are also entitled under Count II of the Complaint to a declaratory judgment pursuant to CERCLA §§ 107(a)(4)(B) & 113(g)(2) that Defendants must reimburse them for all future response costs.

In support, Plaintiffs submit and rely upon their accompanying Memorandum in Support and Exhibits.

Dated: New York, New York
January 3, 2025

Respectfully submitted,

NAPOLI SHKOLNIK

By: /s/ Andrew W. Croner

Andrew Croner, Esq.

Patrick Lanciotti, Esq.

360 Lexington Avenue, 11th Fl.

New York, New York 10017

(212) 397-1000

acroner@napolilaw.com

planciotti@napolilaw.com

Paul J. Napoli, Esq.

1302 Avenida Ponce de León

Santurce, Puerto Rico 00907

(833) 271-4502

pnapoli@nsprlaw.com

*Counsel for Plaintiffs Art and Renee
Schaap d/b/a Highland Dairy*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed with this Court's CM/ECF on this 3rd day of January, 2025, and was thus served electronically upon counsel of record.

/s/Andrew Croner